

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTORIA EVANOFF, as Administrator of the ESTATE OF JOHN EVANOFF, DECEASED	:	CIVIL ACTION
	:	
	:	No. 5:23-cv-03417-JFL
Plaintiff,	:	
	:	
vs.	:	
	:	
MARSH USA, LLC,	:	
	:	
Defendant.	:	

AFFIDAVIT OF DEPOSIT OF MINOR'S SETTLEMENT FUNDS

I, Sol H. Weiss, Esquire, hereby state and affirm that I have complied with the Order issued on July 8, 2024, as follows:

1. On July 8, 2024 this Court approved the Petition for Approval of Settlement of Minor, G.E., in the above-captioned case, (attached hereto as Exhibit A is a copy of the Court's Order).

2. The undersigned, counsel for Minor-Plaintiff, G.E., hereby certifies that on August 16, 2024, Eighteen Thousand Eight Hundred and Four Dollars and Sixty-Eight Cents (\$18,804.64) was deposited into a restricted savings account for G.E. at First National Bank, (attached hereto as Exhibit B is the proof of deposit into a restricted savings account).

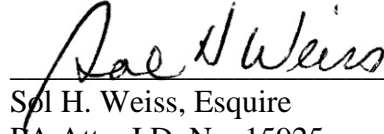
3. Affiant further states that a similar Affidavit of Deposit has been filed with the Clerk of Orphans' Court of Berks County.

I verify under penalty of perjury and pursuant to 28 U.S.C. §1746 that the statements made in the foregoing Affidavit are true and correct.

Respectfully submitted,

ANAPOL WEISS

BY:

A handwritten signature in black ink, appearing to read "Sol H. Weiss", is written over a horizontal line.

Sol H. Weiss, Esquire

PA Atty. I.D. No. 15925

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130 N. 18th Street, Suite 1600

Philadelphia, PA 19103

215-735-1130

sweiss@anapolweiss.com

Attorneys for Plaintiff

Dated: August 20, 2024

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

***VICTORIA EVANOFF, as Administrator of the
ESTATE OF JOHN EVANOFF, DECEASED***

v.

MARSH USA, LLC

Civil Action No. 5:23-cv-03417-JFL

EXHIBIT A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

VICTORIA EVANOFF, as Administrator of the ESTATE OF JOHN EVANOFF, DECEASED	:	CIVIL ACTION
	:	
Plaintiff,	:	No. 5:23-cv-03417-JFL
	:	
vs.	:	
	:	
MARSH USA, LLC,	:	
	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 8th day of July, 2024, upon consideration of the Petition for Approval of Settlement, it is hereby **ORDERED** and **DECREED** that Petitioner is authorized to enter into a settlement with Defendant, Marsh USA LLC, in the gross present value sum of \$650,000.00. Defendant shall forward all settlement checks to Petitioner's counsel for proper distribution.

It is further **ORDERED** and **DECREED** that the settlement proceeds are allocated as follows:

<u>GROSS SETTLEMENT</u>	<u>\$650,000.00</u>
TO: Anapol Weiss	\$273,466.32

Attorneys' Fee (40%) (\$251,022.46)

Reimbursement of Costs (\$22,443.86)

The balance of \$376,533.68 is hereby allocated 90% to the Wrongful Death Action and 10% to the Survival Action distributable as follows:

WRONGFUL DEATH (90%) **\$338,880.32**TO: Victoria Evanoff, Surviving Spouse of John Evanoff, deceased. **\$184,440.16**TO: G.E., Surviving Minor Child of John Evanoff, deceased. **\$154,440.16****SURVIVAL ACTION (10%)** **\$37,653.36**TO: Victoria Evanoff, Surviving Spouse of John Evanoff, deceased. **\$18,826.68**TO: G.E., Surviving Minor Child of John Evanoff, deceased. **\$18,826.68**

It is further **ORDERED** and **DECREED** that the settlement proceeds allocated to G.E. shall be made through a structured settlement as well as in a restricted savings account, described as follows:

1. The settlement proceeds from the Wrongful Death Action allocated to G.E. shall be made pursuant to a structured settlement according to the Schedule of Payments as follows (the "Periodic Payments"):
 - a. \$1,421.57 payable monthly, guaranteed for 12 years beginning 07/26/2033 at age 18, with the last guaranteed payment on 6/26/2045.
 - b. \$10,000.00 lump sum payment on 07/26/2033 guaranteed.
 - c. \$20,000.00 lump sum payment on 07/26/2037 guaranteed.
 - d. \$40,000.00 lump sum payment on 07/26/2041 guaranteed.
 - e. \$50,000.00 lump sum payment on 07/26/2045 guaranteed.

Assignment: The obligation to make the Periodic Payments described above may be assigned to Mutual of Omaha Structured Settlement Company and funded by an annuity contract issued by United of Omaha Structured Settlement Company, rated A+XV by A.M. Best. To fund the Periodic Payments, Defendant or their Insurer will issue a check in the amount of \$154,440.16 payable to Mutual of Omaha Structured Settlement Company.

The future Periodic Payments listed above are guaranteed based on current annuity rates and a projected annuity purchase date on or before August 20, 2024. Any delay in funding the annuity purchase may result in a delay of the payment dates or

a change in the payment amounts that shall be accurately recorded in the settlement agreement and release, qualified assignment and release document and annuity contract without the need of obtaining an amended Petition/Court Order.

2. The settlement proceeds from the Survival Action allocated to G.E. shall be placed in a restricted savings account in a federally insured bank in the Commonwealth of Pennsylvania for the sole benefit of G.E. The savings account shall be restricted as follows: Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court. Withdrawal requests are to be directed to the Court of Common Pleas of Berks County or the Eastern District of Pennsylvania.

It is further **ORDERED** and **DECREED** that a portion of the settlement proceeds allocated to Victoria Evanoff shall be made pursuant to a structured settlement according to the Schedule of Payments as follows (the "Periodic Payments"):

1. \$1,305.27 payable monthly, guaranteed for 20 years, starting on 09/01/2024 with the last guaranteed payment on 08/01/2044.

Assignment: The obligation to make the Periodic Payments described above may be assigned to PASSCorp and funded by an annuity contract issued by The Prudential Insurance Company of America, rated A+XV by A.M. Best. To fund the Periodic Payments, Defendant or their Insurer will issue a check in the amount of \$203,266.84 payable to PASSCorp.

The future Periodic Payments listed above are guaranteed based on current annuity rates and a projected annuity purchase date on or before August 20, 2024. Any delay in funding the annuity purchase may result in a delay of the payment dates or a change in the payment amounts that shall be accurately recorded in the settlement agreement and release, qualified assignment and release document and annuity contract without the need of obtaining an amended Petition/Court Order

Victoria Evanoff, as Administrator of the Estate of John Evanoff, deceased, is **ORDERED** and **DIRECTED** to file a copy of this **ORDER** with the Register of Wills of Berks County pursuant to 20 Pa. C.S.A. §3323(b)(3) within thirty (30) days.

Victoria Evanoff is further **ORDERED** and **DIRECTED** to file an Affidavit of Deposit regarding the opening of the restricted savings account with the Clerk of Orphans' Court of Berks County within **sixty (60) days**.

Additionally, Counsel shall file with this Court, the Eastern District of Pennsylvania, within **sixty (60) days** from the date of this Order, proof of establishment of the account as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account documentation containing the restrictions.

/s/ Joseph F. Leeson, Jr.

Joseph F. Leeson, Jr.
United States District Judge

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EXHIBIT B

File | Balances | Activity | Codes | Relationships | Statement | History

Close Print Refresh

H

Savings 1301522208 - GF | W E' (6248652)



Relationship

Date of Birth

Phone Number

Tax Identification



GF | W E' (6248652)



Owner/Signer

[H] (484) 338-3361

[C] (484) 338-3361

SSN



236 EAST ELM STREET (5270688)

SHILLINGTON PA 19607

Additional Relationships

Tax Name: GF W E' (6248652) 697-54-2440

Account Classification

Portfolio:

1810426

Responsibility Code:

[6362] SUMATI GOPAL-GERA

Product:

[31121] FIRSTRATE SAVINGS

Account Type Code:

[100] PERSONAL

Accounting Branch:

[2849] Lancaster Ave

Employee Officer Director:

[0] NOT AN EMP/OFF/DIR

Warnings

Account Maintenance Since Last Update

Transaction Restriction Code: [1] Allow Dep, Misc & Auto Trans

New Account: Aug 14, 2024

Reg CC Status Code: New Account

Priority Miscellaneous

Description



Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings acct or upon prior Order of Court. Withdrawal requests are to be directed to the court of common pleas of Berks,

Responsibility Code: [6362] SUMATI GOPAL-GERA

Miscellaneous Code: [0]

Addenda: 1

Summary

Memo Ledger Balance:

\$18,804.68

Last Deposit Aug 16, 2024:

\$18,826.68